

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

77  
P. 48

L.D. 499

DATE: 6/16/95

(Filing No. H- 522 )

MINORITY  
LEGAL AND VETERANS AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 499, Bill, "An Act Establishing Procedures for New Political Parties to Participate in Primary Elections"

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding the Qualifying Status of Political Parties'**

Further amend the bill by inserting before the enacting clause the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 21-A MRSA §301, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Primary election.** A party qualifies to participate in a primary election if its designation was listed on the ~~general election--ballot--in--the--last--preceding--gubernatorial--or--presidential--election~~ ballot in either of the last 2 preceding general elections and if:

**COMMITTEE AMENDMENT**

REV 8

COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 499

2 A. The party held municipal caucuses as prescribed by  
4 Article II in at least one municipality in each county in  
6 the State during that election year and any interim general  
election year and fulfills this same requirement during the  
year of the primary election;

8 B. The party held a state convention as prescribed by  
10 Article III during that election year and any interim  
general election year;

12 C. Its candidate for Governor or for President polled at  
14 least 5% of the total vote cast in the State for Governor or  
16 President in ~~the last preceding gubernatorial or  
presidential election~~ either of the last 2 preceding general  
elections; and

18 D. Each The state party committee ~~must file~~ filed a  
20 statement with the Secretary of State on or before April 4th  
22 certifying that the party has held the municipal caucuses  
required by paragraph A. The statement must be signed by  
the party ~~chairman~~ chair or his chair's designated agent.

24 **Sec. 2. 21-A MRSA §302, sub-§1**, as enacted by PL 1985, c. 161,  
26 §6, is amended to read:

28 **1. Declaration of intent.** A voter or a group of voters who  
30 are not enrolled in a party qualified under section 301 must file  
32 a declaration of intent to form a party with the Secretary of  
State before 5 p.m. on the 180th day preceding ~~the~~ the next  
primary election. The declaration of intent must be on a form  
designed by the Secretary of State and must include:

- 34 A. The designation of the proposed party;
- 36 B. The name of a candidate for Governor or for President in  
38 the last preceding ~~gubernatorial or presidential~~ general  
election who was nominated by petition under subchapter II  
40 and who received 5% or more of the total vote cast in the  
State for Governor or for President in that election;
- 42 C. The signed consent of that candidate; and
- 44 D. The name and address of the voter or one of the group of  
voters who file the declaration of intent.

46 **Sec. 3. 21-A MRSA §304**, as enacted by PL 1985, c. 161, §6, is  
48 amended to read:

# COMMITTEE AMENDMENT

R 88

2 §304. Disqualification of parties

4 A party which--qualified--under--section--302--or--303--to  
6 participate--in--the--last--preceding--primary--and--general--elections  
8 is--not--qualified--to--participate--in--a--subsequent--primary--election  
unless--it--meets--that does not meet the requirements of section  
301 is not qualified to participate in a subsequent primary  
election.'

10 Further amend the bill by inserting at the end before the  
12 statement of fact the following:

14 FISCAL NOTE

16 Establishing procedures for new political parties to  
18 participate in primary elections may increase the costs of future  
20 primary elections. The amount of additional General Fund  
22 appropriations required by the Department of the Secretary of  
State will depend on the number of political parties who qualify,  
which can not be determined at this time.

24 Municipalities will also incur additional costs associated  
26 with the new political parties participating in primary  
28 elections. These additional costs incurred by municipalities in  
30 carrying out required responsibilities under the election laws  
32 represent a state mandate pursuant to the Constitution of Maine.  
The local costs of this state mandate can not be determined at  
this time. Pursuant to the Mandate Preamble, the 2/3 vote of all  
members elected to each House exempts the State from the  
constitutional requirement to fund 90% of the additional local  
costs.'

34 STATEMENT OF FACT

36 The amendment, which is a minority report of the Joint  
38 Standing Committee on Legal and Veterans Affairs, replaces the  
40 bill. It changes the requirements that a new party must meet in  
42 order to be a qualified party. Under current law the party must  
poll at least 5% of the total votes cast in each presidential and  
gubernatorial election in order to become and remain qualified.  
44 Under the proposed legislation, that party must poll 5% of the  
total votes cast in either of the last two preceding general  
46 elections.

48 The purpose of the change is to remove the disadvantage to  
new parties who do not run both gubernatorial and presidential

COMMITTEE AMENDMENT "A" to H.P. 369, L.D. 499

2 candidates. The new party must also hold a state convention and  
at least one municipal caucus in each county.

4 The amendment also adds a fiscal note and mandate preamble  
6 to the bill.